

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM E FRY,

Plaintiff,

v.

**Civil Action 2:20-cv-265
Judge Sarah D. Morrison
Magistrate Judge Jolson**

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

REPORT AND RECOMMENDATION

On March 5, 2020, the Court granted Plaintiff's Motion for Leave to Proceed *in forma pauperis* and ordered Plaintiff to file a Social Security Identification Form to effect service on Defendant within 90 days of the filing of his Complaint pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 7). After that deadline, the Undersigned ordered Plaintiff to show good cause within fourteen (14) days why this action should not be dismissed and why an extension of time to effect service should be allowed. (Doc. 9).

Plaintiff has failed to show cause or otherwise appear since the Court granted his Motion for Leave to Proceed *in forma pauperis*. Accordingly, it is **RECOMMENDED** that this action be **DISMISSED without prejudice** for failing to timely serve Defendant pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Procedure on Objections to Report and Recommendation

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those

portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: July 13, 2020

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE